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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,839	11/30/2001	Aaron Waxler	US010619	3500
24737	7590	11/21/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			BASS, JON M	
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/015,839	WAXLER, AARON
	<b>Examiner</b>	<b>Art Unit</b>
	Jon Bass	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 November 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This is in response to the communication “ Remotely accessing mailbox to verify” filed on November 30, 2001. Claims 1-12 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 7, 10 and12** are rejected under 35 U.S.C. 102(e) as being anticipated by Kevin Conwell et al (US Patent No: 6,163,260) hereinafter Conwell.

#### **As Per Claim 1:**

Conwell discloses a system for remotely determining the contents of a mail receptacle comprising:

a machine-readable label programmed with at least one property of a piece of mail, said machine-readable label being incorporated into the piece of mail, [{col.1, lines 9-11}], the automatic identification industry, use radio frequency transponders, (known as RF/ID tags, labels);

a machine-readable label reader for reading the machine-readable label, [{col.3, lines 29-32}], linerless label tracking system);

a processor for receiving the at least one property of the piece of mail from the machine-readable label reader, [{col.3, lines 23-26}, semiconductor chip that includes circuitry elements to store and retrieve data, such as memory] ;

a memory for storing the at least one property of the piece of mail, [{col.3, lines 23-26}, semiconductor chip that includes circuitry elements to store and retrieve data, such as memory];

and a means for remotely accessing the memory to determine the contents of the mail receptacle, [{col.3, lines 23-26}, semiconductor chip that includes circuitry elements to store and retrieve data, such as memory].

**As Per Claim 2:**

Conwell discloses the system wherein said machine-readable label includes a radio transponder or transmitter, [{col.1, lines 4-8}, linerless label with radio frequency transponder embedded for identification and tracking purposes].

**As Per Claim 7:**

Conwell discloses a method for notification of the contents of a mail receptacle comprising: incorporating a machine-readable label into a piece of mail, said machine-readable label containing information about at least one property of the piece of mail, [{col.1, lines 9-11}, the automatic identification industry, use radio frequency transponders, (known as RF/ID tags, labels)];

receiving the information from the machine-readable label, [{col.1, lines 23-25}, radio frequency interface].

storing the information from the machine-readable label, [{col.3, lines 23-26}, semiconductor chip that includes circuitry elements to store and retrieve data, such as memory]; and

communicating the information from the machine-readable label to a user, [{col.1, lines 28-30}, radio transceiver].

**As Per Claim 10:**

Conwell discloses a method for remotely determining the contents of a mail receptacle comprising: incorporating a machine-readable label to a piece of mail, said machine-readable label containing information about at least one property of the piece of mail, [{col.1, lines 9-11}, the automatic identification industry, use radio frequency transponders, (known as RF/ID tags, labels];

receiving the information from the machine-readable label, [{col.1, lines 23-25}, radio frequency interface];

storing the information from the machine-readable label, [{col.3, lines 23-26}, semiconductor chip that includes circuitry elements to store and retrieve data, such as memory]; and

remotely accessing the information to determine the contents of the mail receptacle, [{col.2, lines 56-60}, track and identify items using RF/ID].

**As Per Claim 12:**

Conwell discloses a method of doing business comprising: incorporating a machine-readable label to a piece of mail, said machine-readable label containing information about at least one property of the piece of mail;

receiving the information from the machine-readable label; storing the information from the machine-readable label, [{col.1, lines 23-25}, radio frequency interface];

remotely accessing the information to determine the contents of the mail receptacle; and affecting the sale of goods or services based on the information, [{col.2, lines 56-60}], track and identify items using RF/ID].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3,4,5,6,8,9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conwell (6,163,260) in further view of Robert Johnson et al (US Patent No: 6,553,336) hereinafter referenced as Johnson.

**As Per Claim 3:**

Conwell discloses the system machine-readable label to a piece of mail but lacks wherein the means for remotely accessing further comprises a telephony means, an internet means, a wireless means, or an email means.

Johnson discloses wherein the means for remotely accessing further comprises a telephony means, an internet means, a wireless means, or an email means, [{col.18, lines 38-40}, monitoring system through a WAN, such as the internet].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's system and method to emulate an invention that deals with machine-readable label to a piece of mail, an internet means, a wireless means, which additionally verifies the products data and its origin.

**As Per Claim 4:**

Conwell discloses the system machine-readable label to a piece of mail but lacks the system wherein the processor is programmable.

Johnson discloses system wherein the processor is programmable, [{fig 7, 42}, microcontroller, highly integrated chip that contains components comprising on a controller or CPU and {col.4, lines 38-40} processor manufactured by Micro chip].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's

system and method to emulate an invention that deals with machine-readable label to a piece of mail, processor is programmable, which additionally verifies the products data and its origin.

**As Per Claim 5:**

Conwell discloses the system machine-readable label to a piece of mail but lacks, wherein the processor is programmable to initiate the means for remotely accessing the memory to contact a user.

Johnson discloses system wherein the processor is programmable to initiate the means for remotely accessing the memory to contact a user, [{col.3, lines 9-13}], monitoring system receives stores received from the transducer and reports information to end user via internet].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's system and method to emulate an invention that deals with machine-readable label to a piece of mail, processor is programmable, which additionally verifies the products data and its origin.

**As Per Claim 6:**

Conwell discloses the system machine-readable label to a piece of mail but lacks, the system of wherein the processor initiates the means for remotely accessing the memory when the processor detects a piece of mail containing at least one property programmed by the user.

Johnson discloses the system of wherein the processor initiates the means for remotely accessing the memory when the processor detects a piece of mail containing at least one property

programmed by the user, [{col.12, lines 64-67}, transducer control module can be implemented as a specific device having a microprocessor, memory and communication port].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's system and method to emulate an invention that deals with machine-readable label to a piece of mail, accessing the memory when the processor detects a piece of mail containing, which additionally verifies the products data and its origin.

**As Per Claim 8:**

Conwell discloses the system machine-readable label to a piece of mail but lacks the method of further comprising the steps of programming a processor to initiate the communicating step when at least one property of a piece of mail is detected, and detecting the at least one property of a piece of mail.

Johnson discloses method of further comprising the steps of programming a processor to initiate the communicating step when at least one property of a piece of mail is detected, and detecting the at least one property of a piece of mail, [{col.4, lines 26-31}, actual sensing element, microcontroller, providing communication interface].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's system and method to emulate an invention that deals with machine-readable label to a piece of mail, programming a processor, which additionally verifies the products data and its origin.

**As Per Claim 9:**

Conwell discloses the system machine-readable label to a piece of mail but lacks the method of wherein the communicating step further comprises notifying the user that a piece of mail is within the mail receptacle when the at least one property of a piece of mail is detected in the detecting step.

Johnson discloses that method of wherein the communicating step further comprises notifying the user that a piece of mail is within the mail receptacle when the at least one property of a piece of mail is detected in the detecting step, [{col.4, lines 1-14}], monitor system used to provide demand information to users if events are detected].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Conwell's method and system in conjunction with Johnson's system and method to emulate an invention that deals with machine-readable label to a piece of mail, notifying the user that a piece of mail, which additionally verifies the products data and its origin.

**As Per Claim 11:**

Conwell discloses the system machine-readable label to a piece of mail but lacks the method wherein the remotely accessing step further comprises remotely accessing the stored information by telephony means, an internet means, a wireless means, or an email means.

Johnson discloses method wherein the remotely accessing step further comprises remotely accessing the stored information by telephony means, an internet means, a wireless

means, or an email means, [{col.4, lines 1-14}], obtaining information, control instructions for programming, communication media, (e.g. telephone number, email].

### ***Conclusion***

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at **(571) 272-6905** between the hours of 9-6pm **Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

C/O Technology Center 3600

Washington, D.C. 20231

*John W. Hayes*  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**

